

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR
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November 5, 1999

Ernest N. Childers, Jr.
PACIFIC GENERAL CONSTRUCTION
6364 Ferris Square
San Diego, CA 92121

RE: Public Works Case #99-014
Family Services Building Geotechnical Work
County of San Diego

Dear Mr. Childers:

This constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-named project under the public works laws and is made pursuant to Title 8, California Code of Regulations section 16000(a). Based upon my review of the documents submitted and the applicable laws and regulations pertaining to public works, it is my determination that the work being done by Geotechnical Exploration, Inc. ("Geotechnical") related to the construction of the Family Services Building ("Project") is a "public works" within the meaning of Labor Code sections 1720(a) and 1772.

Pacific General Construction ("Pacific General") is the general contractor for the Project under a public works contract with the County of San Diego ("County"). Pacific General subcontracted certain soil testing and geological engineering work to Geotechnical for this Project.

Geotechnical's staff consists of three engineering geologists, one certified geotechnical engineer and two technicians. For the rough grading phase of the project, Geotechnical performs field density tests and observations of the excavation before, during and after placement of the compacted fill or backfill; laboratory testing of all soils to determine their engineering properties; and geologic review and analysis. It also prepares a rough grading plan based on the analysis, and compiles a final rough grading report.

For the improvement grading phase of the project, Geotechnical will provide grading observations, field and laboratory testing and geotechnical engineering services for the soils-related testing. This work is needed for other improvements proposed for

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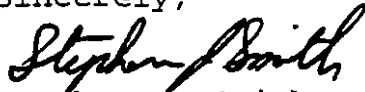
the site, such as drainage and utility lines, retaining walls, sidewalks or patios, foundation excavation, and parking lots.

Labor Code section 1720(a) generally defines public works to mean "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds. . ." In this case, the Project is a public works because it involves a contract between the County and Pacific General for construction that is being paid for out of public funds. Your question is whether the work being done by Geotechnical on the Project is covered under prevailing wage laws.

Labor Code section 1772 states: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work." Consistent with previous determinations, Geotechnical's work is performed in the execution of a contract for public work. Under Section 1772, its employees are therefore deemed to be employed on a public work and prevailing wages must be paid.

I hope this determination satisfactorily answers your inquiry.

Sincerely,



Stephen J. Smith
Director

cc: Daniel M. Curtin, Chief Deputy Director and Acting Chief, DLSR
Marcy Vacura Saunders, Labor Commissioner
Henry P. Nunn, III, Chief, DAS
Vanessa L. Holton, Assistant Chief Counsel